

DEPARTMENT OF PUBLIC WORKS

NEW CASTLE COUNTY
NEW CASTLE COUNTY ENGINEERING BUILDING
KIRKWOOD HIGHWAY
P. O. BOX 165
WILMINGTON 99, DELAWARE

George W. Dutcher
DIRECTOR
John I. Cahalan
COUNTY ENGINEER

January 20, 1970

ROOM 202
PHONE: 737-4100

MEMO TO: William J. Conner
FROM: George W. Dutcher
Re: Operation of Current Landfill Contract

My first order of business since returning to work was to review a file concerning the operation of the current landfill contract. I agree with Mr. Cahalan's answers forwarded to you by his letter of December 18, 1969. I do however feel that you are entitled to my views which are much more detailed.

It is first of all my opinion that the present landfill operation has been executed as near to the letter of the contract as it has been within our ability to do so. It is also my opinion that the very few exceptions we have been able to operate the landfill without serious complaints and those we have had are the result of the operator's non-compliance with the conditions of the contract. We have done everything possible to assist the operator in correcting conditions which were the result of his non-compliance.

Let me now present my comments to the problems raised in Mr. Poole's letter.

1. Tires, Drums and Chemical Wastes

We do try very hard to eliminate the disposal of tires from the landfill for the reason stated by Mr. Poole and because the Board of Health suggests not accepting them. It is however impossible to prevent all tires from being deposited. Many tires are brought in by compactors which have picked up the tires in some cases without the drivers knowledge. Only after the compactor is emptied can we know if it carried tires. We do not admit loads of tires nor individual tires if they can be observed at the gate. I agree that the tires work their way to the surface but I do not agree that the operator has ever because of this condition done any "further processing".

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Concerning chemical wastes let me say that we have never accepted any such wastes without checking the Board of Health and the source of the material to determine their degree of acceptability. If either the Board of Health or the originating source declare the material to be hazardous it is not accepted.

Drums do have to be crushed and this was discussed many times prior to the contract signing. It is also to the operator's advantage as well as the County's because its main purpose is to increase capacity.

On occasion we have found hazardous materials being bootlegged in and all such cases which are identified the collector is required to remove the violating items.

We are doing everything we can to operate the landfill in accordance with all State and County requirements. Mr. Ward knows this very well. In any case I cannot see any of these items as materially affecting the operational cost.

2. Hours of Operation

The contract states very definitely that the hours of operation are 8 a.m. to 6 p.m. Monday through Saturday. Mr. Ward claimed he estimated his cost based on a 12 noon Saturday closing.

In our attempt to have a 12 noon Saturday closing we met considerable opposition from the collectors and many of their arguments were sound.

Mr. Toner, Mr. Sincock, Mr. Karins and I met with representatives of the collectors, Mr. Blair, Mr. Walton and Mr. Twardus and arrived at a compromise agreement which was not at all satisfactory to the collectors as a whole.

The compromise agreement was to close on Saturday at 2 p.m. and to open on Monday and Tuesday at 7 a.m. The early opening on Monday was to permit early deposit for any compactor which did not complete its pick up in time to meet the 2 p.m. closing. Tuesday's early opening was to permit the same thing for Monday which is the heaviest day of deposit.

The 7 a.m. opening on both Monday and Tuesday was discontinued on November 1, 1969.

I might add that both Mr. Ward and his superintendent were told that there was no need for them to report until the regular 8 a.m. opening. It was the operator's choice to report at the 7 o'clock hour. I still don't see why they made this decision.

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2a - Bag truck and Sunday Conditions

The free dumping service on Sunday has always been a service the County has offered and this was definitely understood by Mr. Ward before the contract was signed. Unfortunately the item was not covered in the contract; however, Mr. Ward admits it should have been included.

The magnitude of this operation has increased tremendously for two reasons. First this service was advertised by the newspapers and many people who were previously unaware of the service are now taking advantage of it. The second reason is that the 2 o'clock Saturday closing added four more hours of weekend accumulation.

I am in complete agreement that this business has increased a great deal. I also believe this to be desirable and we have encouraged it. It is much better to have people benefit by the service they pay for. Trash should be deposited in the place provided and not on highways and in vacant lots. Mr. Ward has resented the increase and the causes for the increase ever since the publicity was received. The increase has become necessary to employ a part time landfill attendant for Saturday afternoon and Sunday. His duty is to empty the bag truck when full and to enforce our 100 lb. limit. Loads greater than 100 lbs. are charged \$2.00.

I cannot understand how this affects Mr. Ward's cost. Our employee is the only man working. The trash which is deposited over weekends is covered with the normal Monday deposits.

Mr. Poole states that the landfill is open on Sunday without the authority of the owner.

The Landfill is NOT open on Sunday. Ask any collector.

We deposit trash collected at the gate in Mr. Ward's truck by a County employee. Mr. Ward was notified of this and we have his permission to operate his truck on the site on weekends. If a load is in excess of 100 lbs. we may direct the driver to a deposit area rather than have it unloaded at the gate and relayed into the fill area. It also must be remembered that none of the weekend deposits contains garbage. It is entirely trash and should not be offensive even if not covered for this short period.

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3a. Two Dollar (\$2.00) Loads

I do not recall any mention of 15 loads of less than 2 cu. yds. per month; however I will not argue the point nor is it my duty to say what fees are collected. If my opinion is asked for I state the following:

We enjoy a much greater volume of business from \$2.00 loads than 15 per month; as a matter of fact 3214 such loads were deposited during the year 1969 for an average of 268 loads per month. If additional compensation to the operator is felt justified I suggest splitting the fee \$1.00 each to the operator and to the County.

3b. County Loads

I am in agreement with Mr. Cahalan and restate his comment:

These trucks carry quite variable loads and probably average five loads per day. We have only one month of record - July - and 108 loads were dumped that month. Some sewer trucks bring in only one barrel load, but the park and rubbish trucks carry more. There should be some compensation to the operator for these trucks. I would suggest that payment for one regular load per day would seem quite fair.

3c. Gate or Bag Truck

Again I restate Mr. Cahalan's remark:

Provision was made in the previous contract for payment for one load per day for this service. It is probable that five to ten gate truck loads per week are received in this fashion. It would seem fair to compensate the present operator by payment of \$4.75 per day for this service.

3d. Increase in the Average size of Regular Trucks

This is true. The County is also losing income due to this condition. I am in complete agreement that the only fair method of charging is by weight. It would however be a very costly item to install a scale. One scale would cost anywhere from \$30,000 to \$75,000. Weighing would also cause a delay because of the time consumed in weighing, recording etc. A self recording scale would cost about \$75,000. Another consideration is the life of our Tybouts Corner landfill. Do we or don't we want to expand this operation? It would hardly be advisable to make an expensive installation for a short period. Another consideration would be the cost of a monthly billing.

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4. Excavation and Fill Levels

Mr. Cahalan's remarks are very accurately stated and I am very shocked that such false charges should be made. Mr. Ward was very anxious to deepen the pits. We have in all cases adhered to the two foot above water table requirement of Water & Air Resources Commission.

The finish grade elevation is in accordance with the original plan. The fact that it meets the surrounding ground elevation should prove this; however Mr. Ward or Mr. Poole may have any engineering firm make a check of this. As a matter of fact we would welcome it. The charges made are a reflection on our professional ethics.

No area has been reworked because of the raising of grade above that shown on the plan.

5. Zoning

As Mr. Cahalan stated this is not within our jurisdiction; however the property is Mr. Ward's and it is his responsibility to apply for rezoning.

6. Washing Plant

The first I ever heard of a request to let the washing plant remain was about four months ago when Mr. Ward mentioned it while we were jointly looking over the site. I told him that such a move would seriously affect the capacity. In addition to the plant site to-gether with the stock piles the roads would have to remain. I am in agreement with Mr. Cahalan that a year's capacity would be lost.

7. Cost of Operation

If all the additional fees suggested in this letter were granted, Mr. Ward would have for 1969 received exactly what he did receive - \$200,000 the minimum guarantee. The additional fees would not raise his total compensation over the \$200,000 minimum.

Herein is Mr. Ward's whole hang-up. He, not us assumed that for two or three years we would have a business much below his minimum figure. He is wrong when he states that the minimum number of loads will be reached in the first year. The first year is over and he did not exceed his minimum.

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The towns of Middletown, Newark, Odessa etc. have always used our landfill and as a matter of fact Newark is now using their own.

Mr. Ward wants to discourage use of the area. We want more business.

I submit the above for your use in discussions. We believe a contract is a contract to both parties unless a real injustice is recognized. It is our duty to see that the terms of the contract are met and not to change them. I stated above that perhaps additional fees should be granted and I would not oppose any such revision of the contract.

For your information only I receive many complaints from the public and from collectors about the great sum of \$200,000 presently being paid to Ward. Several Councilmen also feel that Ward is on a gravy train. We may face some resistance if an attempt is made to raise fees or to add items not now being paid for. If this can be done without altering the contract it will eliminate this having to go before council.

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4. Sufficient numbers and types of personnel shall be available at the site to insure capability for operation in accordance with these standards. Competent supervision of these personnel shall be provided on a systematic basis.

5. Unloading of refuse shall be continuously supervised in accordance with the landfill design and planned progress of the site. Unloading of refuse and access to the site shall be limited to those times when the supervisor is on duty.

6. Telephone or radio communications, suitable shelter, and sanitary facilities shall be provided for personnel at the site.

(b) Operational Requirements.

1. Ground and surface water protection. To insure that no contact between refuse deposits and the ground water table occurs, at least two feet of separation between refuse deposits and the estimated high ground water table level shall be maintained. Surface water streams shall be kept a safe distance from the refuse fill, preferably over one thousand (1,000) feet. Operations shall be planned so that rain water is drained off the fill at all times. Standing water shall not be allowed on the fill at any time. The completed fill shall have a minimum slope of 1% to facilitate surface drainage and a maximum slope that precludes erosion.

2. Compaction. Refuse shall be spread and compacted in shallow layers not exceeding a depth of two feet of compacted material. Every effort shall be made to insure the highest degree of compaction of the refuse. Individual refuse cells in sanitary landfills shall be no greater than eight feet in depth.

3. Frequency and depth of cover. A layer of suitable cover material shall be placed over all refuse as soon as possible after deposit and, at least, by the end of each working day. This layer shall be of such depth that when compacted it produces a cover layer of at least six (6) inches in depth. Final cover of suitable material - compacted to a minimum thickness of two feet - shall be placed over all completed areas or cells by the end of the working day on which the area or cell was completed. Daily and final depth of cover requirements may be increased when suitable cover material is not being utilized. Three feet of clearance shall be maintained between trenches when the trench method is used. Operations shall be planned so that the minimum possible amount of refuse material is exposed at any one time. Spraying exposed refuse with insecticides and/or deodorizers may be required when cover is not accomplished immediately.

4. Cover material. The soil used as cover material shall be of such character that it can be compacted to provide a tight seal, does not crack excessively when dry, and is relatively free of putrescible materials and large objects.

5. Salvage. Salvage operations shall be so organized that they will not interfere with the proper disposal of any solid waste. No salvage operation shall be allowed which creates unsightliness, nuisances, health hazards, or potential health or safety hazards.

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6. Scavenging and/or animal feeding. Scavenging and/or animal feeding on the site shall not be permitted.

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7. Completed sections. The entire surface of completed sections of the landfill shall be inspected on a regular basis following placement of the final, two-foot, soil cover. All cracked, eroded, and uneven areas shall be promptly repaired.

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8. Bulky wastes. Adequate provision shall be made for the handling and compaction of bulky solid wastes when such wastes are not excluded from the site. Special compaction equipment may be required to insure that bulky wastes can be incorporated into the fill.

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9. Odorous solid waste. Odorous solid wastes shall not be disposed of within 300 feet of any residence.

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10. Special solid waste. Hazardous wastes, industrial wastes, and sewage treatment residues shall not be deposited at any landfill without first submitting a plan for such disposal to the Board of Health and obtaining approval of this plan from the Board of Health.

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(c) Completion of landfill.

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1. When the responsible persons decide to close out disposal operations at a particular site, they shall so notify the State Board of Health. An inspection of the entire site shall be made by a representative of the State Board of Health before the earth moving equipment is moved from the site. The Board of Health shall inform the responsible officials of any necessary corrective work at the site. This corrective work shall be accomplished before the landfill project is accepted as completed. An insect and/or rodent poisoning program may be required as part of this work.

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2. Prior to closing of the landfill, arrangements shall be made which insure that all cracked, eroded, and uneven areas in the final cover, which occur during the year following completion of the fill, will be repaired. These arrangements shall require prior approval by the Board of Health.

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38.43 Re-use of Completed Landfills. The re-use of any land solid waste disposal site shall be restricted and controlled by the State Board of Health. Any development of such sites shall require prior approval by the State Board of Health.

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B.44 Required Operating Reports and Records.

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(a) Records. Records of the estimated cubic yardage of solid waste accepted at the landfill shall be maintained. In addition, records of the location and date completed for each refuse lift or trench shall be maintained. Separate records of the same type shall be kept for hazardous wastes.

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(b) Reports. The person responsible for the sanitary landfill shall submit quarterly reports to the State Board of Health, Division of Solid Wastes. These reports shall include the following information:

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1. Routinely collected data on quantities of waste (weights and volumes) for each type of waste that requires separate disposal.

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2. The total operating cost for each month of the sanitary landfill.

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3. Any changes from the original plans, specifications and reports submitted.

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4. Volume of landfill used during the quarter.

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5. Identification of lifts or trenches completed and date of completion.

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6. During the year following final cover (completion) of areas of the landfill, the report shall include a description of the repairs which were carried out - including location and extent.

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